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EXAMINER

TAYLOR, JOSHUA D

ART UNIT

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2426

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,832	<b>Applicant(s)</b> NISHIKAWA ET AL.	
	<b>Examiner</b> JOSHUA TAYLOR	<b>Art Unit</b> 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new grounds of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (Pat. No.: US 7,065,709) in view of Robertson et al. (Pat. No.: US 7,149,983), and further in view of Billmaier et al. (Pat. No.: US 7,159,177).

Regarding claim 1, Ellis discloses **a method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Fig. 9a, column 12, line 59 – column 13, line 5); **providing at least a first and a second characterizing descriptor filter** (Fig. 9a, column 12, line 59 – column 13, line 5. Ellis provides several characterizing descriptor fields, such as Actor, Genre, and Start Time.), **and displaying at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 9a, column 13, lines 6-16. Ellis displays the selection of a descriptor, such as “Bruce Willis” for Actor.). Ellis does not disclose constantly displaying a plurality of the choices

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for each filter. However, in analogous art, Robertson discloses **simultaneously displaying: a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to a first characterizing descriptor filter** (Fig. 38, column 31, lines 16-29); **a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to a second characterizing descriptor filter** (Fig. 38, column 31, lines 16-29. Robertson discloses displaying several separate lists of search criteria, all of which simultaneously display selectable characterizing descriptors). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis to include the teachings of Robertson to allow for the filters to display several characterizing descriptors at once. This would have produced a desirable result, in that because users would be able to continue to see other choices after they had made a selection, they could more easily change a previous selection in the future by being kept aware of other options.

Neither Ellis nor Robertson explicitly disclose wherein **the first plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; the second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; and the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria**. However, in analogous art, Billmaier teaches that user interface can be

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configured so that there are horizontal and vertical rows and columns containing related information concerning television programming (Fig. 10, column 12, lines 5-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a display organized in several horizontal sections. This would have produced predictable and desirable results, in that the user would have an aesthetically pleasing and functionally understandable visual representation of the filtered content.

Regarding claim 2, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 1**, and Ellis further discloses **wherein displaying at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria further comprises not displaying any of the characterizing descriptors as do not correspond to the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 9a, column 12, line 59 – column 13, line 5). In Fig. 9a, only the selected characterizing descriptors are displayed.

Regarding claim 3, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 1**, and Ellis further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Fig. 9a). The characterizing descriptors disclosed by Ellis are textual.

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Regarding claim 4, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 1**, and Ellis further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (column 12, lines 39-58). The discrete selectable items of data disclosed in claim 1 are television programs in Ellis, which are audio/visual content.

Regarding claim 6, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 4**, and Ellis further discloses **wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors that comprise at least one of: a programming network identifier; a broadcast starting time; a description of the audio/visual content; content media source** (Fig. 9a, column 13, lines 17-33. One of the categories is Start Min.).

Regarding claim 7, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 4**, and Ellis further discloses **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media** (column 8, lines 8-20).

Regarding claim 8, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 1**, and Ellis further discloses **wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device** (column 8, lines 30-32).

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Regarding claim 9, the combined teachings of Ellis, Robertson and Billmaier disclose **the method of claim 1**, and Ellis further discloses **wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device by scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria** (column 12, lines 35-38. Ellis teaches scrolling as a method for browsing through lists).

Regarding claim 10, Ellis discloses **an interactive data display system** (column 6, lines 4-16) **comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Fig. 9a, column 12, line 59 – column 13, line 5); **at least a first and a second characterizing descriptor filter** (Fig. 9a, column 12, line 59 – column 13, line 5. Ellis provides several characterizing descriptor fields, such as Actor, Genre, and Start Time.); **and control circuitry** (column 6, lines 4-16) **that displays at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 9a, column 13, lines 6-16. Ellis displays the selection of a descriptor, such as “Bruce Willis” for Actor.). Ellis does not disclose constantly displaying a plurality of the choices for each filter. However, in analogous art, Robertson discloses **simultaneously displaying: at least one of a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter** (Fig. 38, column 31, lines 16-29); **at least one of a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter** (Fig. 38, column 31, lines 16-29. Robertson discloses displaying several separate lists of search criteria, all of which simultaneously display selectable

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characterizing descriptors). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis to include the teachings of Robertson to allow for the filters to display several characterizing descriptors at once. This would have produced a desirable result, in that because users would be able to continue to see other choices after they had made a selection, they could more easily change a previous selection in the future by being kept aware of other options.

Neither Ellis nor Robertson explicitly disclose wherein **the first plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; the second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; and the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.** However, in analogous art, Billmaier teaches that user interface can be configured so that there are horizontal and vertical rows and columns containing related information concerning television programming (Fig. 10, column 12, lines 5-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a display organized in several horizontal sections. This would have produced predictable and desirable results, in that the user would have an aesthetically pleasing and functionally understandable visual representation of the filtered content.



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Regarding claim 11, the combined teachings of Ellis, Robertson and Billmaier disclose **the interactive data display system of claim 10**, and Ellis discloses **further comprising: a remote control device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (column 8, lines 30-32).

Regarding claim 12, Ellis discloses **an interactive program guide system** (column 6, lines 4-16) **comprising: characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (Fig. 9a, column 12, line 59 – column 13, line 5); **at least a first and a second characterizing descriptor filter** (Fig. 9a, column 12, line 59 – column 13, line 5. Ellis provides several characterizing descriptor fields, such as Actor, Genre, and Start Time.); **control circuitry** (column 6, lines 4-16) **that displays at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (Fig. 9a, column 13, lines 6-16. Ellis displays the selection of a descriptor, such as “Bruce Willis” for Actor.). Ellis does not disclose constantly displaying a plurality of the choices for each filter. However, in analogous art, Robertson discloses **simultaneously displaying: at least one of a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter** (Fig. 38, column 31, lines 16-29); **at least one of a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter** (Fig. 38, column 31, lines 16-29. Robertson discloses displaying several separate lists of search criteria, all of which simultaneously display selectable characterizing descriptors). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis to include the teachings of Robertson to allow for

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the filters to display several characterizing descriptors at once. This would have produced a desirable result, in that because users would be able to continue to see other choices after they had made a selection, they could more easily change a previous selection in the future by being kept aware of other options.

Neither Ellis nor Robertson explicitly disclose wherein **the first plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; the second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; and the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.** However, in analogous art, Billmaier teaches that user interface can be configured so that there are horizontal and vertical rows and columns containing related information concerning television programming (Fig. 10, column 12, lines 5-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a display organized in several horizontal sections. This would have produced predictable and desirable results, in that the user would have an aesthetically pleasing and functionally understandable visual representation of the filtered content.

Regarding claim 13, the combined teachings of Ellis, Robertson and Billmaier disclose **the interactive program guide system of claim 12, and Ellis discloses further comprising: a**

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**remote control device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria** (column 8, lines 30-32).

Regarding claim 14, the combined teachings of Ellis, Robertson and Billmaier disclose **the interactive program guide system of claim 13**, and Ellis further discloses **wherein the remote control device comprises at least one key for scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria** (column 12, lines 35-38. Ellis teaches scrolling as a method for browsing through lists).

Regarding claim 15, the combined teachings of Ellis, Robertson and Billmaier disclose **the interactive program guide system of claim 14**, and Ellis further discloses **wherein the remote control device further comprises at least one key for moving a focus from one characterizing descriptor filter to another characterizing descriptor filter** (column 13, lines 6-10).

Claims 5 and 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (Pat. No.: US 7,065,709) in view of Robertson et al. (Pat. No.: US 7,149,983) and Billmaier et al. (Pat. No.: US 7,159,177) as applied to claims 4 and 12 above, and further in view of Robarts et al. (Pub. No.: US 2005/0278741).

Regarding claim 5, the combined teachings of Ellis, Robertson and Billmaier disclose the method of claim 4, however they do not explicitly disclose **simultaneously displaying at least one graphic image as individually corresponds to the at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-**

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**selectable characterizing descriptor filter criteria.** However, Robarts does (Fig. 6, element 190, paragraph [0071]. The preview window is a graphic image). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robertson to include the teachings of Robarts, so that a user could see a program related to what they were searching for. This would have produced a desirable feature, in that the user could see a graphical example of their search.

Regarding claim 16, the combined teachings of Ellis and Robertson disclose the interactive program guide system of claim 12, however they do not explicitly disclose **wherein the control circuitry further simultaneously displays a program of audio/visual content.** However, Robarts does (Fig. 6, element 190, paragraph [0071]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robertson to include the teachings of Robarts, so that a user could continue to watch a program while searching for another program. This would have produced a desirable feature, in that users would not have to stop watching a program in order to search for another program, increasing the likelihood that the search tool would be used.

Regarding claim 17, the combined teachings of Ellis and Robertson disclose the interactive program guide system of claim 12, however they do not explicitly disclose **wherein the control circuitry further simultaneously displays a preview of a discrete selectable item of audio/visual content as corresponds to the present setting of the first and second plurality of user-definable characterizing descriptor filter criteria.** However, Robarts does (Fig. 6, element 190, paragraph [0071]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ellis and Robertson to include the

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teachings of Robarts, so that a user could continue to watch a program while searching for another program. This would have produced a desirable feature, in that users would not have to stop watching a program in order to search for another program, increasing the likelihood that the search tool would be used.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2426

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2426